

MEMORANDUM OF UNDERSTANDING

between the

Carpet and Rug Institute

and the

U.S. Environmental Protection Agency

May 22, 1991

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MEMORANDUM OF UNDERSTANDING

A. BACKGROUND

The EPA initiated a dialogue process in April, 1990, to undertake certain actions with respect to reducing emissions from carpet. One aspect is to develop a program for the voluntary testing of, and collection of data on, total volatile organic compound (TVOC) emissions from carpet. See "Carpet: Response to Citizens' Petition," 55 FR 17,404 (April 24, 1990) and "Carpet Emissions Reduction; Policy Dialogue," 55 FR 31,640 (August 3, 1990).

As part of the dialogue process, the Carpet Policy Dialogue Group reached a consensus agreement (February 28, 1991) on the Carpet and Rug Institute Consensus Statement: Testing Program for Carpet Products. In reaching this agreement the Carpet Dialogue Group indicated to its sponsor (EPA) that the testing program described in the Consensus Statement could provide the basis for a Memorandum of Understanding to initiate voluntary action(s) by industry in response to the charter set by EPA in the Federal Register notices. This Consensus Statement describing the testing program for carpet products with Attachments A and B is affixed (Exhibit I).

B. PURPOSE

The CRI and EPA are entering into this Memorandum of Understanding for the purpose of initiating the provisions and follow-up expectations as stated within the context of the above mentioned Carpet Dialogue Consensus Statement and for providing for the product testing and reporting of data developed from the Carpet Testing Program as outlined therein.

C. SUBSTANCE OF THE AGREEMENT

This Memorandum of Understanding formally establishes a framework in which a voluntary program response for actions described in the Federal Register notices noted above can be fulfilled. Therefore, CRI and EPA enter into the following understandings:

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2. Confidentiality

The testing, data development, and data reporting shall be conducted in accordance with the confidentiality provisions of the Consensus Statement and EPA shall maintain the protections afforded in such confidentiality provisions.

a. Confidential Business Information (CBI)

Information submitted to EPA under provisions of the Toxic Substances Control Act (TSCA), in support of TSCA, or as FYI under the terms of a voluntary testing agreement is subject to the provisions of Section 14 of TSCA and to EPA's Regulations on the Confidentiality of Business Information. All responses/correspondence will be placed in the OTS public files unless confidentiality is claimed in accordance with the procedures outlined in Exhibit III, entitled: "Support Information for Confidentiality Claims." Additional information about confidentiality claims can be found in 40 CFR Chapter 1, Section 2.203 et seq, and 41 FR 36902, September 1, 1976 as amended at 43 FR 40000, September 8, 1978 and 50 FR 51661, December 8, 1985. In the event that a claim for confidentiality is made on all or part of the provided information, said information will only be released by the EPA to the extent, and by means of the procedures, set forth in the cited regulations. Requests for confidentiality should be addressed to U.S. Environmental Protection Agency, Office of Toxic Substances, Document Processing Center (TS-790), 401 M Street S.W., Washington DC, 20460 (Attn: Frank Caesar, Carpet Emissions Administrative Record).

b. Data Submission

The CRI shall submit a final report on the Carpet Testing Program as described in section 3.4.4 of the Consensus Statement and in accordance with the QAPjAP. A cover letter along with two (2) copies shall be submitted for public access to the U.S. Environmental Protection Agency, Office of Toxic Substances, Information Management Office (TS-793), 401 M Street S.W., Washington DC, 20460, Attn: Lynn Marcus, Carpet Emissions Administrative Record. If the test results contain Confidential Business Information (CBI) the package must contain the cover letter, the original submitted in accordance with the Consensus Statement and two (2) copies of the

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E. OTHER AGREEMENTS

Nothing in this Memorandum of Understanding precludes EPA from any other steps it deems necessary to carry out any applicable laws, regulations, or policies. These include activities listed in the U.S. Code of Federal Regulations, and the reduction of carpet emissions described in the Federal Register notices cited above. Furthermore, this Memorandum of Understanding does not preclude EPA from entering into separate agreements with individual carpet manufacturers that are presently not constituent members of the Carpet and Rug Institute. It is understood that any such separate agreements pertaining to the subject matter of this MOU will not contain provisions less stringent or contrary to those terms and conditions stipulated herein. Similarly, nothing precludes CRI from entering into similar agreements with their contractors, or constituent members for the purposes of conducting and reporting testing, or similar agreements with other regulatory Agencies.

F. NAME AND ADDRESS OF PARTIES

1. Carpet and Rug Institute
Box 2048, Holiday Avenue
Dalton, Georgia 30720
2. U.S. Environmental Protection Agency
Office of Toxic Substances
401 M Street, SW
Washington, DC 20460

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